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Attorneys for Defendants
Cabana Management, Inc. and/or Glenn
Frechter, and/or Any Other Entities Affiliated
With Or Controlled By Cabana Management,
Inc. and/or Glenn Frechter

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GERARDO VALDEZ LUJAN, individually and on behalf
of all other persons similarly situated who were employed
by CABANA MANAGEMENT, INC. and/or GLENN
FRECHTER; and/or any other entities affiliated with or
controlled by CABANA MANAGEMENT, INC. and/or
GLENN FRECHTER,

Plaintiffs,

- against -

CABANA MANAGEMENT, INC. and/or GLENN
FRECHTER, and/or any other entities affiliated with or
controlled by CABANA MANAGEMENT, INC. and/or
GLENN FRECHTER,

Defendants.

10 Civ. 0755-ILG-RLM

ECF CASE

**DECLARATION OF
DOUGLAS WEINER, ESQ. IN
SUPPORT OF DEFENDANTS'
DECERTIFICATION
MOTION**

1. I am an attorney with the law firm of Epstein Becker & Green, P.C., counsel to Defendants, and submit this declaration in support of Defendants' motion to decertify the plaintiffs' collective action under the Fair Labor Standards Act. To assist the Court when it considers Defendants' motion, I have attached true and correct copies of the following:

- Exhibit 1 - The deposition transcript of Gerardo Valdez Lujan (the "Lujan Dep.").
- Exhibit 2 - The deposition transcript of Alba Bovender (the "Bovender Dep.").
- Exhibit 3 - The deposition transcript of Ascension (Freddy) Moran (the "Moran Dep.").
- Exhibit 4 - The deposition transcript of Nicholai Patchen (the "Patchen Dep.").
- Exhibit 5 - The deposition transcript of Israel Pastor Reyes (the "Reyes Dep.").
- Exhibit 6 - The deposition transcript of Ana Milena Ruiz (the "Ruiz Dep.").
- Exhibit 7 - The deposition transcript of Jose Luis Romero Saldana (the "Saldana Dep.").
- Exhibit 8 - The deposition transcript of Cesar Vargas (the "Vargas Dep.").
- Exhibit 9 - The deposition transcript of Tomas Velez (the "Velez Dep.").
- Exhibit 10 - Magistrate Roanne L. Mann's Order, dated February 1, 2011.
- Exhibit 11 - Affidavit of Gerardo Valdez Lujan, dated August 11, 2010, filed in support of Plaintiffs' Motion for Conditional Certification.
- Exhibit 12 - Affidavit of Elisa Frechter dated November 5, 2010 (the "Frechter Decl").
- Exhibit 13 - Declaration of Benjamin Bautista (the "Bautista Decl.").
- Exhibit 14 - Declaration of Yisel Madrigal (the "Madrigal Decl.").
- Exhibit 15 - Declaration of Javier Felipe Castellanos (the "Castellanos Decl.").
- Exhibit 16 - Declaration of Katherina Limo (the "Limo Decl.").
- Exhibit 17 - Declaration of Fernando Diaz (the "Diaz Decl.").
- Exhibit 18 - Declaration of Luis Vivanco (the "Vivanco Decl.").
- Exhibit 19 - Declaration of Johanna Santos (the "Santos Decl.").
- Exhibit 20 - Declaration of Mauricio Villalbos (the "Villalbos Decl.").
- Exhibit 21 - Declaration of Lucia Ramirez (the "Ramirez Decl.").
- Exhibit 22 - Declaration of Diana Alberca (the "Alberca Decl.").
- Exhibit 23 - Declaration of Paola Hernandez (the "Hernandez Decl.").

Exhibit 24 - Declaration of Carlos Pinero (the "Pinero Decl.").

Exhibit 25 - Declaration of Jessica Orosco (the "Orosco Decl.").

Exhibit 26 - Declaration of Luis Pulla (the "Pulla Decl.").

Exhibit 27 - Declaration of Jose Luis Pastor (the "Pastor Decl.").

Exhibit 28 - Declaration of Sebastian Martinez (the "Martinez Decl.").

Exhibit 29 - Declaration of Endira Jacobi (the "Jacobi Decl.").

Exhibit 30 - Declaration of Jose Marcelino Reyes Hernandez (the "Reyes Decl.").

Exhibit 31 - Declaration of Jose Guzman (the "Guzman Decl.").

Exhibit 32 - Declaration of Harold Quinterro (the "Quinterro Decl.").

Exhibit 33 - Declaration of Alexis Rodriguez (the "Rodriguez Decl.").

Exhibit 34 - Declaration of Glenn Frechter (the "Glenn Frechter Decl.").

Exhibit 35 - Cabana Handbook (Exhibit 1 at the Ruiz Deposition).

Exhibit 36 - Linda Solis punch report for February 2009 and receipts (Exhibit 15 at the Lujan Deposition).

Exhibit 37 - Gerardo Lujan punch report for April through June 2008 (Exhibit 16 at the Lujan Deposition).

Exhibit 38 - Alba Bovender punch report for May 2008 through April 2009 and April 28, 2009 through July 31, 2009 (Exhibits 1 and 2 at the Bovender Deposition).

Exhibit 39 - Nicholai Patchen punch report for May 15, 2009 through August 31, 2009 and May 2010 through May 12, 2011 (Exhibit 1 at the Patchen Deposition).

Exhibit 40 - Analysis of time and pay records of Ana Milena Ruiz for January through June 2008 (Exhibit 3 at the Ruiz Deposition).

Exhibit 41 - Cesar Vargas punch report for November through December 2008; Analysis of time and pay records of Cesar Vargas for November through December 2008; receipts (Exhibits 6 through 12 at the Vargas Deposition).

Exhibit 42 - Tomas Velez punch report for April through July 2008 (Exhibit 3 at the Velez Deposition).

Exhibit 43 - Kayla Polanco punch report for April through May 2009 and receipts (Exhibit 22 at the Vargas Deposition).

Exhibit 44 - Void Reports (Exhibit 5 at the Lujan Deposition).

Exhibit 45 - Void Reports (Exhibit 2 at the Patchen Deposition).

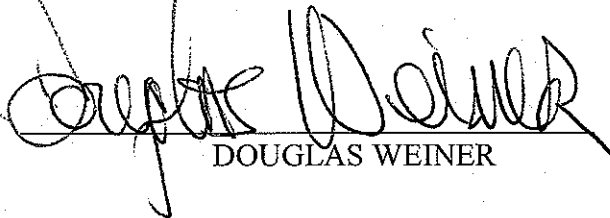
Exhibit 46 - Void Reports (Exhibit 3 at the Bovender Deposition).

Exhibit 47 - Organizational Chart (Exhibit 7 at the Moran Deposition).

Exhibit 48 - Heartland Payroll Co. Check Register - Gerardo Lujan (Exhibit 9 at the Lujan Deposition).

Exhibit 49 - Receipt for the payment of lost or denied wages, U.S. Department of Labor Wage and Hour Division Form WH-58 for gross wages paid to Gerardo Valdez pursuant to the Fair Labor Standards Act in the amount of \$206.87 (Exhibit 3 at the Lujan Deposition).

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 5, 2011, in New York, New York.



DOUGLAS WEINER